

June 23, 2015  
Antelope County Board of Supervisors  
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular session on Tuesday, June 23, 2015 at 9:00 AM in the County Supervisor’s Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Schwager, with the following board member responding to roll call: Kerkman, Schindler, Henery, Williby and Schwager. Chairman Schwager stated that the open meeting laws are posted on the east wall of the Supervisors’ room with more copies available at the County Clerk’s Office.

Merlin Bolling appeared at 8:02 AM.

Notice of the meeting was given in advance thereof by publication in the four county newspapers, legal newspapers printed and in general circulation in Antelope County, Nebraska as shown by proof of publication filed in the County Clerk’s Office. Agenda for said meeting was sent to all members of the County Board of Supervisors.

Approved the following claims for payment:

**General:** Appeara, towel service 81.60; AS Central Finance, county clerk/district court clerk/treasurer/data processing 79.60; Blackburn Manufacturing Company, new law enforcement center/sheriff/measuring wheel/tape/poly flags 417.73; Bomgaars, building & grounds/oil/bonding compound/bolts/leg tip/starting fluid/county extension/nails/weed control/bulk bolts 56.01; Carhart Lumber, county extension/paint/paint brush/paint roller frame/roller pan set/boards/new law enforcement center/sheriff/cement anchors 101.12; Cash-Wa Distributing, sheriff/inmate/food /beverage/tissue/towel roll 1,026.39; Clearwater Record, publishing costs 72.00; Cornhusker State Industries, new law enforcement center/sheriff/round folding table 288.00; Creston Fertilizer Company, weed control/chemicals/amine/ tordon 906.65; Danko Emergency Equipment, new law enforcement center/sheriff/first aid kit/oxygen supplies/freight 525.00; Dataspec, vetraspec/yearly fee 399.00; DDSS, Inc, sheriff/write manuals/civil process/budget tracker 630.00; Digital-Ally, sheriff/3 chest cameras/interface box 2,840.00; Dollar General, janitorial/tissue paper/paper towels/vinegar /air freshener 28.65; Eakes Office Plus, treasurer/lateral file/county attorney/folders/pens/refills/note pads/eraser/ cleaner/correction ribbon/sheriff/correction tape/envelopes/receipt book/tabs/pens/notes/toner/inked stamp/ markers/county clerk/office supplies/pens/erasers/paper punch/organizer /binders/folders/envelopes/county extension/county fair supplies/envelopes/gloves/soap/ bleach/towels/ sanitizing wipes/antibacterial soap/toner/folders 3,009.17; Elgin Review, publishing costs 41.20; Elite Office Products, county attorney/color laser printer/toner/county clerk/Toshiba monthly maintenance agreement fee/ 637.42; Floor Maintenance, building & grounds/janitorial/paper towels/tissue paper 236.92; GIS Workshop, assessor/annual contract fee 8,000.00; Tessa Hain, extension agent/4-h workshop supplies 55.97; Lyle Hart, commodities transport 200.00; Holiday Inn, lodging 189.90; Huffman-Levander, coroner costs 443.10; Hunt Insurance costs, annual premium 2,700.00; Jack’s Uniforms, sheriff/deputies uniforms 1,375.02; Ken’s Trailer Sales, weed control/trailer 1,750.00; Lichtenberg Tire, sheriff/tires/mount/dismount/spin balance/shop supplies/disposal fee/tire fee 633.52; Madison County Sheriff, paper service 28.29; Antelope County Mid-American Benefit, employee health insurance buy-back deductible 10,000.00; Monroe Calculator, county clerk/cal-culators 319.00; Morland, Easland & Lohrberg, PC, court appointed attorney fees 307.50; Motoplex of Norfolk, weed control/2015 polaris ranger 900 w/topper 11,160.00; Moyers Department Store, sheriff/uniform polos 1,360.00; MPH Industries, sheriff/radar system 1,999.00; NACO, assessor/seminar registration 100.00; Nebraska County Attorneys Association, county attorney/dues/seminar registration 757.00; Nebraska Health & Human Services, financial responsibility institutional costs 195.00; Neligh Postmaster, weed control/postage stamps 379.85; NIRMA, workmen’s com/general liability 70,752.00; Northeast Research & Extension, extension office/laptop equipment/keyboard/ stand/sound bar/hard drive/usb 866.90; Office Systems, extension office/internal finisher for copier 799.00; Lisa Payne, clerk/workshop/mileage 225.40; Pinnacle Bank, sheriff/ 490.00; Pitney Bowes, postage meter rental/postage 4,137.00; Quality Inn, clerk/lodging 147.90; Quill Corporation, treasurer/toner 465.99; Schroeder Land, surveyor fees 2,000.00; Snider Memorial, corner costs 250.00; Source Gas, heating fuel 277.97; Sysco, sheriff/dust mop head 51.65; Chuck Thiemann, weed control/mowing 30.00; Tilden Citizen, publishing costs 48.00; Transit Works, sheriff/reflectorless total station/bracket 12,980.00; United States Post Office, county attorney/postage 281.85; UNL ITS Communications, extension agent/internet service 93.30; Western Office Supplies, weed control/ink rollers 11.90; Rod Wilke, extension agent/mileage/field calls/weigh-ins/interviews/tree call/equipment repair 196.60; Woods & Aitken, sheriff/professional services 556.50; Zee Medical, first aid cabinet supplies 28.30; Zoll Medical Corp, sheriff/automated external defibrillator /wall cabinets 1,380.00; Char Carpenter, zoning/workshop/mileage/meals 183.08; Cubby’s Inc, weed control/fuel/ unleaded/midgrade 537.41; Joseph Smith, attorney fees 2,483.10; Applied Connective Tech, sheriff/software/licensing /parts/labor/mileage 8,494.85; Knox County Emergency Mgt, zoning/share of hazard mitigation plan 162.67; Marriott Co Club, zoning/lodging 498.16; Tanna Wirtz, flood plain workshop/mileage 203.36

**Road & Bridge (at large):** Bomgaars, compound/wd-40/threaded rod/hose/pump/hose mender/ball/solder/ mender/jeans/valve/gauge/cropsmart 384.87; Central Sand & Gravel, road gravel 480.97; Plainview City, concrete 6,721.92; Creston Fertilizer Company, chemicals/2 4d amine 308.75; Island Supply Welding Company, oxygen/nozzle assembly/tip 88.04; JEO Consulting Group Inc, engineering fees/field survey of bridge south of Clearwater/2015 general engineering 6,505.00; Lazy T Tire, 12v battery 277.90; Martin Marietta Materials, rock 979.61; Mid-American Benefit, employee health insurance buyback administration fee 6,000.00; Mitteis Gravel, road gravel 5,557.51; Neligh Clinic, CDL physical 140.00; Newman Traffic Signs, sheeting/film/parts/freight 604.21; NIRMA, workmen’s com/general liability 80,332.00; NMC Exchange, sample oil bottles 280.00; Norfolk Works, drug screening 45.00; Powerplan, labor 117.70; Precision Glass, safety glass/hook tool/tractor cab rubber 138.00; Quality Iron, iron products 253.20; Jerald Schwager, postage 10.20; Switzer Welding, welding/pipe/plate 236.50

**(Orchard Area)** Source Gas, heating fuel 74.23

**(Clearwater Area)** Bomgaars, bolts/chain 30.71; Powerplan, hose/clamp/freight 130.22; Source Gas, heating fuel 44.46; Clearwater Village, water/sewer/trash 54.00

**(Tilden Area)** Black Hills Energy, heating fuel 51.34; Bomgaars, tissue 11.98; Constellation Energy Gas, heating fuel 91.39; Matteo Sand, road gravel 2,693.70; Nebraska Public Power, electricity 33.82; NMC Exchange, filters/bar/freight 387.25

**(Oakdale Area)** Bomgaars, oil/filter/spade 61.96; Matteo Sand, road gravel 1,473.30; Nebraska Public Power, electricity 36.51; Road Builders Mach, replace bar/repair air conditioner/parts/labor 3,496.45; Switzer Welding, welding/metal /labor 139.00

**(Elgin Area)** Kayton International, couplings/bushing 99.35; Powerplan, repair oil leak/parts/labor/freight 676.17; Source Gas, heating fuel 63.65

**Visitors Promo Fund:** Northeast Nebraska RC & D, promotional supplies 300.00; Royal Q125, promotional supplies 300.00

**Reappraisal Fund:** GIS Workshop, assessor/agreement fee 5,000.00

**Building Fund:** Cornhusker State Industries, sheriff/new law enforcement center/display case 288.00.

Motion was made by Henery, seconded by Bolling to pay claims as presented. Voting aye: Bolling, Williby, Schindler, Henery, Kerkman and Schwager. Nays none. Motion carried.

Reviewed Sheriff May fee report, and put on file.

Reviewed Clerk of District Court Fee report, and put on file.

Reviewed County Treasures May fee report, and put on file.

Reviewed miscellaneous fee report from Treasurer, and put on file.

Correspondence: Northeast Nebraska Economic Development District Annual Meeting, NEMA

June 23, 2015 (Continued)  
Antelope County Board of Supervisors  
Neligh, Nebraska

Memo emails from Larry Dix, NACO executive Director, and Donny Christensen, Public Assistance unit Supervisor regarding recent storms and damage, were reviewed and discussed. Supervisor Schwager is working on compiling some projects developed by the recent storms in Northern Antelope County. He will work with Brian McDonald and possibly with Pierce County to “pool” the damage. No action at this point.

During the June 9<sup>th</sup>, 2015 meeting it was discussed to put a notice in the paper regarding mowing of road ditches and grass clippings landing on the road way and causing problems with road maintainers. Clerk discovered three (3) notices actually ran in the paper on June 17<sup>th</sup>, 2015 regarding mowing, irrigators on the road, fences and objects within the public right of way. She was clarifying if they actually intended to put a fourth notice in the paper. It was agreed the fourth notices was not necessary. No action taken.

Nebraska Insurance Identification Cards for county vehicles were passed out to all board members to place a copy in all county vehicles.

Region 11 budget was reviewed and put on file.

Update to county handbook was discussed. Pam Bourne with NIRMA will be contacted and asked to review policies, and give a presentation to the county officials. County Attorney, Joe Abler will be contacting her.

JEBRO sent out Material Safety Data Sheet (MSDS) regarding all of the fluids/chemicals in use by them on County Equipment. Discussion held. The Board requested clerk to make copies of all MSDS information and place in a binder to be distributed to each barn.

Supervisor Kerkman discussed recent information he obtained from attending Supervisor/Com-missioner Convention in Kearney June 10<sup>th</sup>, thru June 12<sup>th</sup>, 2015. Discussion held on LB657. All counties will have to request their continued interest in Highway Allocation Fund. This correspondence will probably be done electronically in July and will have to be acknowledged and confirmed by the end of July. Discussion held. It will be put on supervisor’s agenda when email is forwarded. No action taken.

During the June 2, 2015 meeting Antelope County Library Association met with the Supervisors regarding the current projects, and activities of Antelope County Libraries. All of the Libraries were represented except Clearwater Public Library. Marelee was sick that day, and wanted to share Clearwater Public Library news with the board. Annual Supervisors report was read and put on file.

NIRMA letter regarding current premium was read. Claim for 2015-2016 premium of \$151,084.00 was approved during claim approval today. Discussion held. No changes at this time. Deduction will to remain the same. No action.

Discussion held on Platte Valley Communication Claim paid in May of 2015. This claim was paid out of Building, and discussion was held if needed to take out of Miscellaneous General. At the time the Building fund was not balanced because of a coding/posting error in the Clerk’s Office. In order to balance the current funds a transfer would be necessary. Motion was made by Williby, seconded by Henery to transfer claim from Platte Valley Communications from Building Fund to General Miscellaneous. Voting aye: Williby, Schindler, Bolling, Henery, Kerkman, and Schwager. Nays none. Motion carried.

Nebraska Public Power District submitted nine (9) under-road permits for electric line placement. #1) Boring 848<sup>th</sup> Road and 531<sup>st</sup> Avenue between Sections 22 and 27, Township 25, Range 5 West. Purpose is to place a permanent phone line for communications between substations; #2) Boring 849<sup>th</sup> Road and 531<sup>st</sup> Avenue, between Sections 15 and 22, Township 25, Range 5 West. Purpose is to place a permanent phone line for communications between substations. #3) Boring 531<sup>st</sup> Avenue and 850<sup>th</sup> Road, between Sections 16 and 25, Township 25, Range 5 West. Purpose is to place a permanent phone line for communications between substations; #4) Boring 530<sup>th</sup> Avenue and 850<sup>th</sup> Road, between Sections 16 and 17, Township 25, Range 5 West. Purpose is to place a permanent phone line for communications between substations; #5) Boring 529<sup>th</sup> Avenue and 850<sup>th</sup> Road, between Sections 17 and 18, Township 25, Range 5 West. Purpose is to place a permanent phone line for communications between substations; #6) Boring 850<sup>th</sup> Road and 529<sup>th</sup> Avenue between Sections 7 and 8, Township 25, Range 5 West. Purpose is to place a permanent phone line for communications between substations; #7) Boring 852<sup>nd</sup> Road, between section 6, Township 25, Range 5 and Section 31, Township 26, Range 5 West. Purpose is to place a permanent phone line for communications between substations; #8) Boring 534<sup>th</sup> Avenue and 848<sup>th</sup> Road, between Sections 25, Township 25, Range 5 West and Section 30, Township 25, Range 4 West. Purpose is to place a permanent phone line for communications between substations. Bauer Underground is Contractor. Tenants and owner are Nebraska Public Power District. All work to be done according to state and county specs. Motion was made by Henery, seconded by Schindler to approve all nine (9) applications as submitted. Voting aye: Schindler, Williby, Bolling, Henery, Kerkman and Schwager. Nays none. Motion carried.

Reviewed claim submitted by Royal Q125 Committee and approved by Antelope County Visitors Committee for \$300.00 to promote Royal’s Q125 celebration July 17<sup>th</sup> – 18<sup>th</sup> – 19<sup>th</sup>, 2015. Motion by Henery, seconded by Williby to approve and pay claim. Voting aye: Kerkman, Schindler, Williby, Henery, Bolling and Schwager. Nays none. Motion carried.

Reviewed claim submitted by Northeast Nebraska RC and D and approved by Antelope County Visitors Committee for \$300.00 to advertise Grandparent/Grandchild Day at Adventure at Mars Campground, August 1<sup>st</sup>, 2015. Motion was made by Williby, seconded by Schindler to approve and pay claim. Voting aye: Kerkman, Schindler, Williby, Henery, Bolling and Schwager. Nays none. Motion carried.

Freeholders bond was approved for Jarrod M. Long, Township Clerk, Ord Township. Signed by board.

Shirley Clinton, of rural Clearwater discussed with the board regarding Invenergy and their current setback regulations. She realizes she is probably late in voicing her opinion, but she feels the current 1500 feet from a residence is not enough. She would like to see at least 2500 feet to a half mile from any residential dwelling (buildings). She will be following up with Char Carpenter, Zoning Administrator, and plans on attending any public hearing on the wind towers in the future. She expressed her concerns and thanked the board for their time. No further action.

County Clerk, Lisa Payne, discussed with the board for clarification purposes, the starting wage for Road Employees. It is current policy all road employees start \$1.00 less than current top wage, with a \$ .50 cent increase after the first full year and a \$.50 cent increase after the second full year. Top wage to be paid after the second year. No changes. No action. County Clerk also discussed the work week beginning day. Currently, all work weeks begin on Monday at 12:01 AM.

Discussion held on road employee hours. Discussion held regarding a 4 day 10 hour shift for road employees. It was decided to leave all changes alone for now. The employees will work a regular 8 hour day, Monday-Friday. No action.

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Discussion held on Highway Superintendent/Road Boss. Discussion held regarding funding, wage, duties, transportation needs etc. The discussion led to hiring a Road Forman, to manage all road employees, on a 6 month trial basis. Motion was made by Henery, seconded by Bolling to budget for the position of Road Forman. Responsibility and duties are to be discussed at a later time. Voting aye: Henery, Bolling, Kerkman, Schindler, Williby, and Schwager. Nays none. Motion carried.

Emergency Manager training was discussed as part of the duties of so for mentioned Road Boss. Supervisor Henery said he did not think it was a good idea to change the emergency manager at this point. No further action.

Andy Snyder, Smith Hayes met with the board regarding Antelope Memorial Hospital Bonds. At present Antelope Memorial is looking at refinancing those bonds at a lower interest rate to be and stay a little more competitive. Because of recent changes to State Statutes the County Board can act as a Conduit to conduct this service. In the past, the board had appointed a Hospital Authority Board who would handle the authorization of these bonds. With this agreement the County holds no liability; the Supervisor (or County Board of Supervisors) is acting as a Conduit Issuer. County Attorney, Joe Abler discussed with the board he had been reviewing the resolution and corresponding information and has talked with Burt Lamllli, Stanton County Attorney who did a similar project for Faith Regional Health Services in Norfolk. Under the recommendation of Mr. Abler, Supervisor Williby made a motion to accept the resolution, with no obligation to the county, to sign and execute resolution to repurchase the bonds. Motion was seconded by Supervisor Bolling. Voting aye: Bolling, Williby, Schindler, Kerkman, Henery and Schwager. Nays none. Motion carried.

Resolution 2015-06-0007A

ACKNOWLEDGMENT OF RECEIPT OF  
NOTICE OF MEETING

The undersigned members of the Board of Supervisors of Antelope County, Nebraska, acknowledge receipt of advance notice of a meeting of said body and the agenda for such meeting held at 9:00 a.m. on June 23, 2015 in the County Supervisors’ Room of the Antelope County Courthouse annex, 501 M Street, in Neligh, Nebraska.

Dated this 23rd day of June, 2015.

/s/ Jerald Schwager  
/s/ Merlin Bolling  
/s/ LeRoy Kerkman  
/s/ Edmund Schindler  
/s/ Neil Williby  
/s/ Charles F Henery

June 23, 2015  
Neligh, Nebraska

The Board of Supervisors (the “Board”) of Antelope County, Nebraska (the “County”) met in open and general session at 9:00 a.m. on June 23, 2015 in the County Supervisors’ Room of the Antelope County Courthouse annex, 501 M Street, in Neligh, Nebraska. Advance publicized notice of such meeting was given in strict accordance with the provisions of Article 14, Chapter 84, Reissue Revised Statutes of Nebraska, as amended (the “Open Meetings Act”), and set forth (a) the time, date, and place of the meeting (b) that the meeting would be open to the attendance of the public and (c) that an agenda of then known subjects to be taken up at the meeting could be obtained from the office of the County Clerk (the “County Clerk”). A copy of the affidavit of publication or certificate of posting of said advance publicized notice was ordered annexed to the minutes of this meeting as Attachment 1. Availability of the agenda was communicated in the published notice and in the notice to the Board of this meeting. Advance notice of this meeting was simultaneously given to all members of the Board, and a copy of their acknowledgment of receipt of such notice is attached to these minutes as Attachment 2. Additionally, reasonable efforts were made to provide advance notification of the meeting to all news media requesting the same of the time, date and place of the meeting.

Chairperson \_ JeraldSchwager\_ presided, and the County Clerk, \_Lisa Payne\_, recorded the proceedings. The following Board Members\_Schwager, Bolling, Kerkman, Schindler, Williby, and Henery\_. The following Board Members were absent: \_none\_. A quorum being present and the meeting duly convened, the following proceedings were had and done.

The Chairperson of the Board publicly stated to all in attendance that a current copy of the Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held. All proceedings of the Board were taken while the convened meeting was open to the attendance of the public.

\* \* \* \* \*

(Omitted Proceedings)

\* \* \* \* \*

The Chairperson stated that the next item on the agenda was the consideration of a resolution authorizing the issuance by the County of its Hospital Revenue Refunding Bonds (Antelope Memorial Hospital Project), Series 2015, with the proceeds of such bonds to be loaned to Antelope Memorial Hospital. Board Member \_\_\_Williby\_ introduced and moved the adoption of the following resolution, a full copy of which is attached hereto as Attachment 3:

**A RESOLUTION AUTHORIZING THE ISSUANCE BY THE COUNTY OF ANTELOPE, NEBRASKA OF ITS HOSPITAL REVENUE REFUNDING BONDS (ANTELOPE MEMORIAL HOSPITAL PROJECT) SERIES 2015 IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$2,500,000 (THE “BONDS”) FOR THE PURPOSES OF (1) REFINANCING CERTAIN OUTSTANDING INDEBTEDNESS OF ANTELOPE MEMORIAL HOSPITAL (THE “BORROWER”), (2) FUNDING NECESSARY RESERVES AND (3) PAYING CERTAIN EXPENSES OF SUCH BONDS, WHICH BONDS AND THE INTEREST THEREON SHALL BE PAYABLE SOLELY FROM THE REVENUES PLEDGED TO THE PAYMENT OF SAID BONDS; MAKING FINDINGS AND DETERMINATIONS WITH REFERENCE TO THE BONDS AND THE PROJECT TO BE REFINANCED WITH THE PROCEEDS OF SUCH BONDS; AUTHORIZING THE SALE OF SAID BONDS; APPROVING AND AUTHORIZING THE EXECUTION OF CERTAIN FINANCING DOCUMENTS AND OTHER RELATED DOCUMENTS; APPROVING AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT WITH RESPECT TO THE BONDS; DETERMINING THAT SAID BONDS SHALL NOT BE A LIABILITY OF THE COUNTY NOR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS; PROVIDING THAT THE INVALIDITY OF ANY PART OF THIS RESOLUTION SHALL NOT AFFECT THE REMAINDER; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND OTHER RELATED MATTERS.**

The foregoing Resolution having been read, Board Member \_\_Bolling\_ seconded the motion for its passage and adoption, and after discussion the roll was called and the following Members of the Board voted in favor of the passage and adoption of said Resolution: \_\_Bolling, Kerkman, Williby, Schindler, Henery, and Schwager\_. The following Members of the Board voted against the same:\_none\_. The following Members of the Board were absent or did not vote: \_\_none\_. Said Resolution having been voted upon favorably by a majority of the members of the Board, the same was by the Chairperson declared passed and adopted.

DATED THIS 23rd day of June, 2015.

/s/ Jerald Schwager

Chairperson  
June 23, 2015 (Continued)  
Antelope County Board of Supervisors  
Neligh, Nebraska

Attest:  
\_\_\_\_\_  
/s/ Lisa Payne  
County Clerk

- ATTACHMENT 1  
Affidavit of Publication or Certificate of Posting of Notice of Meeting
- ATTACHMENT 2  
Acknowledgment of Receipt of Advance Notice of Meeting
- ATTACHMENT 3  
Bond Resolution

THE COUNTY OF ANTELOPE, NEBRASKA  
RESOLUTION NO. 2015-06-0007A

A RESOLUTION AUTHORIZING THE ISSUANCE BY THE COUNTY OF ANTELOPE, NEBRASKA OF ITS HOSPITAL REVENUE REFUNDING BONDS (ANTELOPE MEMORIAL HOSPITAL PROJECT) SERIES 2015 IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$2,500,000 (THE “BONDS”) FOR THE PURPOSES OF (1) REFINANCING CERTAIN OUTSTANDING INDEBTEDNESS OF ANTELOPE MEMORIAL HOSPITAL (THE “BORROWER”), (2) FUNDING NECESSARY RESERVES AND (3) PAYING CERTAIN EXPENSES OF SUCH BONDS, WHICH BONDS AND THE INTEREST THEREON SHALL BE PAYABLE SOLELY FROM THE REVENUES PLEDGED TO THE PAYMENT OF SAID BONDS; MAKING FINDINGS AND DETERMINATIONS WITH REFERENCE TO THE BONDS AND THE PROJECT TO BE REFINANCED WITH THE PROCEEDS OF SUCH BONDS; AUTHORIZING THE SALE OF SAID BONDS; APPROVING AND AUTHORIZING THE EXECUTION OF CERTAIN FINANCING DOCUMENTS AND OTHER RELATED DOCUMENTS; APPROVING AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT WITH RESPECT TO THE BONDS; DETERMINING THAT SAID BONDS SHALL NOT BE A LIABILITY OF THE COUNTY NOR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS; PROVIDING THAT THE INVALIDITY OF ANY PART OF THIS RESOLUTION SHALL NOT AFFECT THE REMAINDER; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND OTHER RELATED MATTERS.

WHEREAS, The County of Antelope, Nebraska (the “**Issuer**”) is authorized and empowered by the provisions of the Chapter 13, Article 11, of the Nebraska Reissue Revised Statutes, as amended (the “**Act**”), to finance or refinance projects, as that term is described in the Act, including, among other things, any land, building, or equipment or other improvement, and all real and personal properties deemed necessary in connection therewith, which shall be suitable for use as a nonprofit enterprise or the refinancing of outstanding debt of a nonprofit enterprise incurred to finance such land, building, equipment, improvement, or other properties, except that a project under this subdivision shall not include any portion of such land, building, equipment, improvement, or other properties or the refinancing thereof to the extent used for sectarian instruction or study or devotional activities or religious worship, and to issue its revenue bonds for the purpose of financing and/or refinancing the cost of acquisition, construction or purchase of any such projects; and

WHEREAS, Antelope Memorial Hospital, a Nebraska nonprofit corporation (the “**Borrower**”), has requested that the Issuer issue one or more series of revenue bonds, in the aggregate principal amount not to exceed \$2,500,000, to refinance costs of the acquisition, construction and purchase of certain capital improvements to the Borrower’s hospital facilities located within the corporate boundaries and the jurisdiction of the Issuer (the “**Project**”); and

WHEREAS, the Issuer has determined to proceed with the issuance and sale of its Hospital Revenue Refunding Bonds (Antelope Memorial Hospital Project) Series 2015 in the principal amount not to exceed \$2,500,000 (the “**Bonds**”) to refinance the costs of the Project pursuant to the authorization of the Act and to lend the proceeds from the sale of the Bonds to the Borrower on the terms and conditions set forth in a Loan Agreement by and between the Issuer and the Borrower (the “**Loan Agreement**”), substantially in the form submitted to the County’s Board of Supervisors (the “**Board**”); and

WHEREAS, the principal of, premium, if any, and the interest on the Bonds are to be payable solely from the loan payments from the Borrower under the Loan Agreement and the other funds pledged therefor, and the Bonds neither constitute a general obligation of the Issuer nor are secured by a pledge of or charge against the general credit or the taxing powers of the Issuer; and

WHEREAS, the Bonds would be issued pursuant to a Trust Indenture (the “**Indenture**”) by and between the Issuer and the trustee named therein (the “**Trustee**”), substantially in the form submitted to the Board; and

WHEREAS, the Bonds would be purchased by SMITH HAYES Financial Services Corporation (the “**Underwriter**”), pursuant to a Bond Purchase Agreement (the “**Purchase Agreement**”), to be dated as of the date the terms of sale of the Bonds, substantially in the form submitted to the Board; and

WHEREAS, the Bonds would be offered for sale pursuant to a Preliminary Official Statements (the “**Preliminary Official Statement**”), substantially in the form submitted to the Board.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ANTELOPE, NEBRASKA AS FOLLOWS:

LEGAL AUTHORIZATION; FINDINGS

**Legal Authorization.** The Issuer is a body corporate and politic duly organized and existing as a county under the Constitution and laws of the State of Nebraska (the “**State**”) and is authorized to issue and sell its hospital revenue refunding bonds pursuant to the provisions of the Act.

**Findings.** The Board has heretofore found and determined, and does hereby find and determine, as follows:

The loan of the proceeds of the Bonds by the Issuer to the Borrower pursuant to the terms of the Loan Agreement to finance and refinance the costs of the Project is in furtherance of the purpose set forth in the Act.

The Project consists of eligible “projects” as described in the Act.

The Issuer has been advised by the Borrower that the estimated cost of refinancing outstanding indebtedness related to such Project, net original issue discount, necessary reserves and Bond issuance costs, is not less than \$2,500,000.

The proceeds of the sale of the Bonds are to be loaned to the Borrower pursuant to the Loan Agreement. The amount necessary to pay the principal of, premium, if any, and interest on the Bonds, in the aggregate principal amount not to exceed \$2,500,000, is the same as the loan payments required to be paid by the Borrower under the Loan Agreement.

As expressly set forth in the Act, the Bonds will not constitute an indebtedness or obligation as to which the faith and credit of the Issuer, the State, or any other political subdivision of the State are pledged, but are limited obligations of the Issuer, which will be obligated to pay the principal of, premium, if any, or interest on the Bonds only from payments made to the Issuer under the Loan Agreement and other amounts pledged therefor. The Bonds shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or its taxing power.

The Borrower has agreed to fund the Debt Service Reserve Fund in an amount equal to the maximum amount permitted under the applicable federal income tax law and as provided in the Indenture.

The Borrower has agreed to grant to the Trustee a first mortgage lien on and a security interest in certain real property of the Borrower, as well as pledge its gross revenues, pursuant to one or more Deeds of Trust and Security Agreements (the “**Deed of Trust**”).

The Loan Agreement provides that the Borrower shall maintain the Project and carry all proper insurance with respect thereto and shall pay taxes, if any, with respect to the Project.

AUTHORIZATION AND ISSUANCE OF THE BONDS

**Issuance of Bonds.** In order to provide funds to refinance the cost of the Project, the Issuer hereby authorizes the issuance of one or more of the following series of hospital revenue refunding bonds, under the Act, in substantially the form attached to the Indenture, to be designated “Hospital Revenue Refunding Bonds (Antelope Memorial Hospital Project) Series 2015” in the principal amount not to exceed \$2,500,000. Each series of Bonds shall be issued with such terms and provisions as set forth in the Indenture.

The Bonds are hereby authorized to be sold to the Underwriter on the terms and conditions set forth in the Purchase Agreement.  
AUTHORIZATION TO EXECUTE DOCUMENTS

**Approval and Authorization of Documents.** The Indenture, the Loan Agreement and the Purchase Agreement, in the forms and content presented to the Board on this date, be and the same are in all respects hereby approved, authorized and confirmed, and the Chair or the Vice Chair of the Board, the County Treasurer or the County Clerk, or any Deputy, of the Issuer (each, an “**Authorized Officer**”) are each hereby authorized and directed to execute and deliver, for and on behalf of the Issuer, each Indenture, Loan Agreement and Purchase Agreement in substantially the forms and contents as presented to the Board on this date, subject to the approval of the County Attorney of the Issuer, but with such changes, modifications, additions and deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their and the Issuer’s approval of any and all changes, modifications, additions and deletions from the forms thereof as before the Board.

**Approval and Authorization of Official Statement.** The Issuer hereby authorizes and approves the Underwriter’s distribution and use of the Preliminary Official Statement, which is hereby deemed “final” as of its date within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (except for certain omissions permitted by said Rule 15c2-12). The Preliminary Official Statement shall be in substantially the form now before the Board, but with such changes therein as shall be approved by any Authorized Officer, the delivery of the Preliminary Official Statement to constitute conclusive evidence of the Issuer’s approval of all changes or revisions therein from the form now before this meeting. The Issuer hereby also authorizes and approves the distribution of the Official Statement. The Official Statement shall be in substantially the form of the Preliminary Official Statement now before the Board, but with such insertions and changes therein as shall be approved by any Authorized Officer, the delivery of the Official Statement to constitute conclusive evidence of the Issuer’s approval of all changes, insertions or revisions to the form of Preliminary Official Statement now before this meeting.

**Authority to Execute and Deliver Additional Documents.** Each Authorized Officer and other appropriate Issuer officials are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all additional certificates and documents which may be required under or contemplated by the terms of the Indenture, the Loan Agreement, the Purchase Agreement and this Resolution and to take other action as may be required or appropriate for the performance of the duties imposed thereby or carry out the purposes and intent of this Resolution.

SUPPLEMENTAL Resolutions

The Issuer may, subject to the terms and conditions of the Indenture, pass and execute resolutions supplemental to this Resolution which shall not be inconsistent with the terms and provisions hereof.

MISCELLANEOUS

**Limitation of Rights.** With the exception of any rights herein expressly conferred, nothing expressed or mentioned in or to be implied from this Resolution or the Bonds is intended or shall be construed to give to any person, other than the Issuer, the Borrower, the Trustee or the Underwriter, any legal or equitable right, remedy or claim under or with respect to this Resolution or any covenants, conditions and provisions herein contained. This Resolution and all of the covenants, conditions and provisions hereof are intended to be and being for the sole and exclusive benefit of the Issuer, the Borrower, the Trustee and the Underwriter as herein provided.

**Severability.** If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatever.

**Immunity of Officers.** No recourse for the payment of any part of the principal of, premium, if any, or interest on the Bonds or for the satisfaction of any liability arising from, founded upon or existing by reason of the issue, purchase or ownership of the Bonds shall be had against any official, officer, member or agent of the Board of the Issuer or the State, all such liability to be expressly released and waived as a condition of and as a part of the consideration for the issue, sale, and purchase of the Bonds.

**Bank-Qualified Obligations.** The Borrower intends to apply a portion of the Bond proceeds redeem the outstanding principal amount of Hospital Revenue Refunding Bonds (Antelope Memorial Hospital Project), Series 2010, dated December 21, 2010 (the “**Prior Bonds**”) issued by Hospital Authority No. 1 of Antelope County, Nebraska (the “**Authority**”). The Prior Bonds were issued in original aggregate principal amount of \$3,770,000, of which \$2,600,000 in principal amount are outstanding. The Issuer has been advised by the Borrower and Kutak Rock LLP, as bond counsel, that the Authority previously designated the Prior Bonds as a “qualified tax-exempt obligation” as defined in Section 265(b)(3) of the Code. Based on the advice of bond counsel, the Bonds are hereby “deemed-designated” as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code.

**Post-Issuance Compliance Procedures.** In connection with the issuance of the Bonds, the Board hereby approves and adopts the post-issuance compliance policies and procedures substantially in the form attached hereto as Exhibit A and made a part hereof (the “**Post-Issuance Compliance Policies and Procedures**”) as may be supplemented from time to time as provided in the Post-Issuance Compliance Policies and Procedures. The Board hereby authorizes and directs the officers and staff members of the Issuer listed in the Post-Issuance Policies and Procedures (each, an “**Authorized Issuer Representative**”) to take such actions as any such Authorized Issuer Representative, after appropriate consultation with Bond Counsel to the Issuer, deems necessary, appropriate or desirable to finalize the Post-Issuance Compliance Policies and Procedures and to effect the implementation thereof.

**Incorporation of the Act.** This Resolution does hereby incorporate by reference, as though fully set out herein, the provisions of the Act.

**Repeal of Inconsistent Resolution.** Any resolution of the Issuer, and any part of any resolution, inconsistent with this Resolution is hereby repealed to the extent of such inconsistency.

PASSED AND APPROVED this 23<sup>rd</sup> day of June, 2015.

\_\_\_\_/s/ Jerald Schwager\_\_\_\_

ATTEST: Chair, Board of Supervisors

\_\_\_\_/s/ Lisa Payne\_\_\_\_\_

County Clerk

**EXHIBIT A  
TO**

RESOLUTION NO. 2015-06-0007A\_

**WRITTEN POST-ISSUANCE COMPLIANCE POLICIES AND PROCEDURES**

**I. Purpose**

A. In General. The Internal Revenue Service (the “IRS”) has strongly recommended that issuers and conduit borrowers of municipal bonds assist with the efforts to administer the income tax laws by adopting written policies and procedures that are intended to assure that appropriate compliance measures are implemented by such issuers after their bonds have been issued. This document constitutes and is intended to memorialize formally the written post-issuance compliance policies and procedures (the “**Issuer’s PICPP**”) that the County of Antelope, Nebraska (the “**Issuer**”) has previously adopted or followed, or is now adopting, in connection with one or borrowings of proceeds of Tax-Exempt Bonds (as defined herein) issued by the Issuer for the benefit of conduit borrowers.

B. Definitions.

1. “**Authorized Representative**” means the Post-Issuance Compliance Officer of the Issuer designated in II below and any officer or staff of the Issuer designated by the Post-Issuance Compliance Officer to perform any of the functions described in this Issuer’s PICPP.
2. “**Bad Use**” means expenditure on projects to be used by other than a qualified governmental or qualified conduit borrower user, a loan to a non-qualified person or use of a bond-financed facility by a non-qualified person. As indicated herein, such use may arise pursuant to a management agreement, research agreement, naming rights agreement or any similar agreement relating to a bond-financed facility.
3. “**Bad Payments**” means any payments derived from Bad Use of bond financed property.

4. **“Bond Counsel”** means any nationally recognized bond counsel engaged at the Conduit Borrower’s expense by or on behalf of the Issuer or the Conduit Borrower to review or opine on matters covered by this Issuer’s PICPP.

5. **“Conduit Borrower”** means each entity who is a borrower or beneficiary of proceeds of any of the Issuer’s Tax-Exempt Bonds.

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6. **“Code”** means the Internal Revenue Code of 1986, as amended.
7. **“Governing Body”** means the Board of Supervisors of the Issuer.
8. **“Regulations”** means the Income Tax Regulations promulgated pursuant to the Code.
9. **“Tax Closing Documentation”** means any and all covenants, certificates, instructions and information reporting documentation contained in the closing transcript or record of proceedings for any series of Tax-Exempt Bonds, whether executed in connection with the issuance of any such series of obligations or executed post-closing.
10. **“Tax-Exempt Bonds”** means the one or more series of governmental purpose bonds or other form of tax-exempt obligations that the Issuer has previously issued or may in the future issue for the benefit of conduit borrowers, the interest on which is excludable from gross income of the owners thereof pursuant to Sections 103 and 141-150 of the Code and Regulations.
- C. Incorporation of Tax Closing Documentation. This Issuer’s PICPP shall be deemed to include and hereby incorporates all Tax Closing Documentation for each issue of the Issuer’s Tax-Exempt Bonds issued for the benefit of conduit borrowers.

**II. Overall Responsibility for Post-Issuance Compliance**

- A. Assignment of Issuer’s Responsibility to Conduit Borrowers. Oversight responsibility for post-issuance compliance is assigned to the County Treasurer of the Issuer. Such officer is hereby designated the Issuer’s Post-Issuance Compliance Officer (the **“Issuer’s PICO”**). Certain specific compliance responsibilities may be assigned by the Issuer’s PICO to a designated Authorized Representative of the Issuer as deemed necessary by the Issuer’s PICO.
- B. Delegation to Conduit Borrowers. The Issuer’s PICO will establish to his or her satisfaction that pursuant to the Tax Closing Documentation for each issue, each Conduit Borrower of proceeds of an issue of Tax-Exempt Bonds will be delegated primary post-issuance compliance responsibilities and that any Issuer expenses relating to the performance post-issuance compliance responsibilities will be paid by the conduit borrower.
- C. Consultation with Issuer or Outside Professionals. The Issuer’s PICO and any Authorized Representative may consult with any Bond Counsel or other municipal finance advisors or professionals that they deem appropriate to meet the requirements of this Issuer’s PICPP.
- D. IRS Correspondence and Audits. The Issuer’s PICO will consult with the Issuer, Bond Counsel and the conduit borrower immediately upon receipt of any correspondence from, or opening of an examination of any type, with respect to the bonds by the IRS.
- E. Periodic Review Requirements. The Issuer’s PICO will review the implementation of this Issuer’s PICPP with the Governing Body at least annually during the term of any Tax-Exempt Bonds.
- F. Training Requirements. The Issuer’s PICO will develop a training program that is designed to inform any successor Issuer’s PICO of the requirements of this Issuer’s PICPP and periodically to train all Authorized Representatives of their duties under this Issuer’s PICPP. Such a training program may developed with internal materials or those supplied by Issuer and Bond Counsel and shall include a review of the Code and the IRS’s web site set up for the tax exempt bond community (<http://www.irs.gov/taxexemptbond/index.html?navmenu=menu1>).
- G. Revision of Issuer’s PICPP. The Issuer’s PICO will periodically seek the advice of Issuer and Bond Counsel or other municipal finance advisors or professionals that he or she deems appropriate to revise the terms of this Issuer’s PICPP. Such revisions shall be annually approved or ratified by the Governing Body

**CERTIFICATE**

The undersigned County Clerk of The County of Antelope, Nebraska, does hereby certify that the attached resolution is the original Resolution No. 2015-06-00007A as passed by the Board of Supervisors of the County and as the same appears of record in my office and is now in my charge remaining as County Clerk aforesaid.

**EXECUTED AND DATED** this 23<sup>rd</sup> day of June, 2015.

/s/ Lisa Payne

**County Clerk**  
**The County of Antelope, Nebraska**

Discussion held on Part-time Road Employee wages. No changes to be made at this time. No action.

Discussion held on Courthouse/Sheriff Office employee wages. County Assessor, Kelly Mueller, and County Treasurer, Deb Branstiter, and County Clerk, Lisa Payne was in attendance for wages discussion. It was discussed all officials could set their own wage scale for their office personnel. If it would work into your budget, it is possible. County Attorney, Joe Abler suggested not to give raises until after the budgets are approved.

Armor Coating was discussed. Supervisor Schwager asked if we could prepay Armor Coating out of current budget, as per email from Deann Heafner. It is not allowed to prepay for services.

Antelope County Sheriff, Bob Moore, met with the Supervisors regarding a “Junk,” “Scrap” yard one mile west and ½ mile south of Highway 14-20 Junction in Northern Antelope County. Discussion was held on the safety, zoning and practices. Sheriff Moore reports he has stuff along county road, highway, etc, and “shoppers” are parking on county roads to hunt for and purchase parts. He is requesting a letter go out to the property owner to insure all safety, permits, and zoning regulations are in place. County Assessor will send a letter to land owner regarding the reclassification of property to rural commercial. County Attorney, Joe Abler will also work with Char Carpenter to get proper forms etc., and will notify the property owner of possible steps to correct the current issues.

Motion was made by Williby, seconded by Schindler to adjourn meeting.

Meeting adjourned at 11:09 AM.

ANTELOPE COUNTY BOARD OF SUPERVISORS  
By: \_\_\_\_\_  
Jerald Schwager, Chairman County Board

Attest: \_\_\_\_\_  
Lisa Payne, County Clerk